

REMARKS

Claims 1-35 were presented at the time of filing. Claims 1, 2, 12, 13, 17, 22, 23 and 31-35 are canceled by amendment above. Claims 4-11, 14-16, 18-21 and 24-30 are currently pending in the application, but in view of the response below, claims 24-30 are currently withdrawn from consideration.

The action of October 28, 2010, requires election under 35 U.S.C. § 121 among six groups of claims:

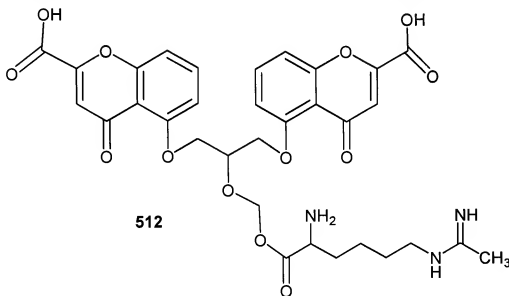
- I. Claims 1-11 and 14-21, drawn to compounds of formula I. The examiner appears to have placed further limits on the values of substituents R¹ and R² in those compounds.
- II. Claims 1-13 and 17-21, drawn to compounds of formula II.
- III. Claims 3-21, drawn to “compounds of formula other than I and II.” Presumably this was intended to be claims 3-21, drawn to compounds not included in examiner’s Groups I and II, since claims 3-21 do not contain any compounds that are not of formula I or II.
- IV. Claims 1, 2 and 22-35, drawn to methods encompassing the compounds of Group I.
- V. Claims 1, 2 and 22-35, drawn to methods encompassing the compounds of Group II.
- VI. Claims 1, 2 and 22-35, drawn to methods encompassing the compounds of Group III.

Applicants hereby elect the claims of group I (claims 1-11 and 14-21). The election is made without traverse among groups II, IV, V and VI. However, if applicants have properly understood the restriction, they strongly traverse the restriction between Groups I and III to the extent that Group I should encompass all the structurally defined values of substituents R¹, R², and R³ that are set forth in claim 3. The Examiner has not provided any reasons for restriction

between compounds in which “R¹ and R² are hydroxyl” and compounds in which R¹ and R² are C₁-C₆ alkoxy or -O⁺X⁻. Similarly, there is no basis for restriction between compounds in which “R⁵ is as given in claims 10 and 11” (namely phenylbutoxy and (1,2-dithiolan-3-yl)pentyl) and compounds in which R⁵ is other values of -O-R²⁰-U, wherein U is chosen from hydrogen, (1,2-dithiolan-3-yl) and phenyl, and R²⁰ is a divalent C₁ to C₂₀ alkane or oxaalkane residue. Applicants submit that there is no search burden for the Examiner to examine the full scope of the claims as amended.

Applicants have amended the claims to accurately reflect the Group that they have elected for prosecution in this application. These claims may be slightly larger in scope than the apparent scope set forth in the restriction requirement in that they encompass all the structurally defined values of substituents R¹, R², and R⁵.

The action further requires election of a single species for examination. Applicants elect



which is example 512 in table 2 on page 49 of the application.

This species is read upon by compound claims 14, 8, 4 and 3 and by composition claims 18-21.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Philip E. Hansen", written over a horizontal line.

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